

# BRUNE & RICHARD LLP

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October 8, 2009

## BY E-MAIL

James G. McGovern  
Assistant United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

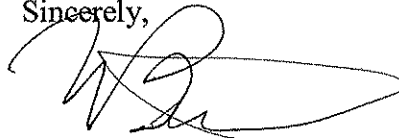
**Re: United States v. Cioffi and Tannin, No. 08-415**

Dear Mr. McGovern:

Please advise us immediately what steps the government has taken and will take to erect a firewall between individuals reviewing the contents of Mr. Tannin's gmail account and the government's trial team. As we previously informed the government, Mr. Tannin's gmail account includes privileged material. Among other things, the gmail account includes items covered by the attorney-client privilege (both Mr. Tannin's and Bear Stearns'), the spousal privilege, and the doctor-patient privilege.

In addition, please immediately provide us with a copy of the search warrant and all related documents pursuant to Federal Rule of Criminal Procedure 16. Also, pursuant to 18 U.S.C. § 3500 and *Brady v. Maryland*, please immediately provide us with all notes, reports and memoranda reflecting communications between the government and any representative of Google.

Sincerely,



Nina M. Beattie

cc: Margaret A. Keeley